

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2014 Legislative Session

BILL NO. 2014-11

Introduced by: Charles County Commissioners

REVIEW PROCEDURES FOR FINAL PLATS

Date introduced: 10 / 28 / 2014

Public Hearing: 11 / 18 / 2014 @5:30 p.m.

Commissioners Action: 11 / 18 / 2014

Commissioner Votes: CQK: Y, RC: Y, KR: Y, DD: Y, BR: Y

Pass/Fail: Pass

Effective Date: 01 / 02 / 15

Remarks: _____

NOTE: CAPITALS indicate matter added to existing text.
[Brackets] indicate matter deleted from existing law.

1 **COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND**

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3 **2014 Legislative Session**

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5 Bill No. 2014-11

6 Chapter No. 278

7 Introduced by Charles County Commissioners

8 Date of Introduction October 28, 2014

9
10 **BILL**

11 AN ACT concerning

12 REVIEW PROCEDURES FOR

13 FINAL PLATS

14
15 FOR the purpose of

16 Revising review procedures related to the requirements of Chapter 149 Laws of
17 Maryland, 2012, the Sustainable Growth and Agricultural Preservation Act; and to expedite the
18 review process for final subdivision plats.

19
20 BY adding and amending:

21 Chapter 278 – SUBDIVISION REGULATIONS

22 Article IV, Section 23(v): Planning Commission Action

23 *Code of Charles County, Maryland*

24 *(2013 Edition)*

25
26 BY adding and amending:

27 Chapter 278 – SUBDIVISION REGULATIONS

28 Article IV, Section 31(c): Final Plat Review Procedures

29 *Code of Charles County, Maryland*

30 *(2013 Edition)*

31
32 BY adding and amending:

33 Chapter 278 – SUBDIVISION REGULATIONS

Asterisks *** mean intervening code language remaining unchanged

NOTE: CAPITALS indicate language added to existing law.

[Brackets] indicate language deleted from existing law.

Chapter 278 – SUBDIVISION REGULATIONS

Article IV, Section 31(c): Major Subdivisions – Final Plat Review Procedures

Code of Charles County, Maryland

(2013 Edition)

SECTION 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND, that the Laws of Charles County, Maryland read as follows:

CHAPTER 278. SUBDIVISION REGULATIONS

ARTICLE IV Procedures for Processing Subdivision Applications

Section 278-23. Major subdivision applications review stages.

A. Review stages. Major subdivision applications shall be reviewed as defined below:

* * * * *

(5) Final Major Subdivision Plat Review. Lots may be sold or transferred and applications may be filed for building permits in accordance with the approved final subdivision plat upon the completion of the following:

a. Approval of the final subdivision plat by the Planning Commission OR THE PLANNING DIRECTOR. IN ACCORDANCE WITH §5-203, OF THE LAND USE CODE, ANNOTATED CODE OF MARYLAND, THE PLANNING COMMISSION MAY DELEGATE THE AUTHORITY FOR APPROVAL FOR FINAL PLATS FOR MAJOR SUBDIVISIONS TO THE PLANNING DIRECTOR.

b. Recordation in the Land Records; and

c. Compliance with the condition of Section 278-27.

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Section 278-31. Major subdivisions : final plat review procedures.

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C. Plat approval by Planning Commission (OR BY THE PLANNING DIRECTOR WITH DELEGATED AUTHORITY). IN ACCORDANCE WITH SECTION 278-23(A)(V)A, THE PLANNING COMMISSION MAY, AT ITS DISCRETION, DELEGATE THIS REVIEW AUTHORITY TO THE PLANNING DIRECTOR.

(1) No final plat shall be considered for action by the Commission (OR THE PLANNING DIRECTOR) until it has been reviewed and recommendations made by the Planning [Director] STAFF. The Commission, OR

1 PLANNING DIRECTOR, upon receipt of both the report from the Planning
2 [Director] STAFF as to the adequacy of the final plat, and any reports from
3 responsible officials as to all other prerequisites for final plat approval, shall
4 act for approval, approval with conditions, deferral, or disapproval. The
5 reasons for action of deferral or disapproval and any requirements
6 associated with a conditional approval shall be fully incorporated in the
7 Commission's minutes OR THE PROJECT FILE and shall be available to the
8 applicant and the public. No final plat may be approved, however, unless it
9 is found by the Planning Commission (OR PLANNING DIRECTOR) to
10 conform with the preliminary subdivision plat as approved, and in conformity
11 with the requirements of these Regulations.

12 (2) The following actions by the Planning Commission (OR PLANNING
13 DIRECTOR) shall have the meanings so stated:

14 a. "Approval" means the final plat is ready to be certified by the Commission
15 Chairman (OR PLANNING DIRECTOR, WITH DELEGATED
16 AUTHORITY), with no further corrections or revisions of the plat
17 required by the applicant.

18 b. "Conditional approval" means the final plat cannot be certified by
19 the Planning Commission Chairman (OR PLANNING DIRECTOR,
20 WITH DELEGATED AUTHORITY) until the applicant has complied
21 with the conditions of approval set forth in the Planning Commission (OR
22 PLANNING DIRECTOR WITH DELEGATED AUTHORITY) action on
23 the plat. The applicant shall have thirty (30) days from the date of
24 [Planning Commission] action to resubmit the revised plat to the
25 Planning Office, unless otherwise specified as a part of the
26 conditional approval. An extension request may be granted for a period
27 of up to thirty (30) additional days by the Planning Director, only after
28 a written request is made by the applicant prior to expiration of the
29 conditional approval period. Information is to be included in the
30 request which details the reasons for the delay. Upon receipt of the
31 revised plat, the Planning Office shall prepare a report on the changes to
32 the plat, and will forward the revised plat to the Chairman (OR
33 PLANNING DIRECTOR, WITH DELEGATED AUTHORITY), for

signature per this section.

- c. "Deferral" means that the Commission (OR PLANNING DIRECTOR) has deferred action until some future Commission meeting in order that certain clarification can be made in regard to the plat. No completely new re-submittal is required of the applicant as is the case for disapproval.
- d. "Disapproval" means disapproval of the plat. In order to request a new review and action, the applicant must file a new application along with a filing fee, plan copies, and other material as required under this section which address the deficiencies or issues upon which the Planning Commission (OR PLANNING DIRECTOR) based the disapproval action. Failure to meet with the requirements established as a condition of approval per this section also constitutes an automatic disapproval of the plat.

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SECTION 2. BE IT FURTHER ENACTED, THAT THIS ACT SHALL TAKE EFFECT FORTY-FIVE (45) CALENDAR DAYS AFTER IT BECOMES LAW.

ADOPTED THIS 18th DAY OF November, 2014.

COUNTY COMMISSIONERS
CHARLES COUNTY, MARYLAND

Candice Quinn Kelly, President

Reuben B. Collins, II, Esq., Vice President

Ken Robinson

Debra M. Davis, Esq.

Bobby Rucci

ATTEST:

Danielle Mitchell
Clerk to the Commissioners